

## REMARKS

By this Amendment, Applicants amend claims 1-5, 21, and 23. Claims 1-23 are pending in this application.

In the Office Action,<sup>1</sup> the Examiner rejected claims 1-9 and 21-24 under 35 U.S.C. § 112, second paragraph, and rejected claims 1-24 under 35 U.S.C. § 102(b) as being anticipated by Dosaka et al. (U.S. Patent No. 6,356,484).

Applicants respectfully traverse the rejection of claims 1-9 and 21-24 under 35 U.S.C. § 112, second paragraph, as allegedly being incomplete for omitting essential structural cooperative relationships of the elements. Applicants note that MPEP § 2172.02 specifies that a “claim which omits matter disclosed to be essential to the invention as described in the specification or in other statements of record may be rejected under 35 U.S.C. 112, first paragraph, as not enabling.”<sup>2</sup> MPEP § 2172.02 also provides that a “claim which fails to interrelate essential elements of the invention as defined by applicant(s) in the specification may be rejected under 35 U.S.C. § 112, second paragraph, for failure to point out and distinctly claim the invention.” Applicants submit that neither portion of MPEP § 2172.02 is appropriate because (1) the claims do not omit matter disclosed to be essential to the invention and (2) the claims do not fail to interrelate essential elements of the invention as defined by Applicants.

Furthermore, Applicants have amended the claims to provide additional clarity. For example, claim 1 recites “a generator receiving a control signal controlling operation

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

<sup>2</sup> Applicants note that the Examiner’s rejection was made under 35 U.S.C. § 112, second paragraph.

modes of the memory device, the generator providing a refresh request at equal periodic intervals if the control signal is deactivated, providing no refresh request in response to a first state of the control signal if the control signal is activated, and providing a refresh request in response to a second state of the control signal if the control signal is activated.” Claims 2-5, 21, and 23 have also been amended for further clarity, and claims 6-9, 22, and 24 depend from one of the amended claims.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-9 and 21-24 under 35 U.S.C. § 112.

Applicants respectfully traverse the rejection of claims 1-24 under 35 U.S.C. § 102(b) as being anticipated by Dosaka. To properly anticipate Applicants’ claimed invention under 35 U.S.C. § 102(b), the Examiner must demonstrate the presence of each and every element of the claim in issue, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, “[t]he elements must be arranged as required by the claim.” M.P.E.P. § 2131.

Claim 1 recites a memory system including, among other things, “a generator receiving a control signal controlling operation modes of the memory device, the generator providing a refresh request at equal periodic intervals if the control signal is deactivated, providing no refresh request in response to a first state of the control signal if the control signal is activated, and providing a refresh request in response to a second

state of the control signal if the control signal is activated." The Examiner has not demonstrated that Dosaka teaches at least this element of claim 1.

In the Office Action, with respect to claim 1, the Examiner cites Figures 5 and 6 and states "refresh generating circuit generating refresh request signals based on the control signal, to which its for controlling auto refresh or self refresh mode," citing col. 7, lines 66 and onward. See page 3. Applicants respectfully submit that the Examiner has not demonstrated that each and every element of claim 1 is taught by the asserted reference. In particular, the Examiner's rejection appears to cite substantially all of the Dosaka disclosure, which exceeds 150 columns of text, and does not point out with any specificity the portions relied upon by the Examiner in making the rejection. Applicants respectfully submit that the Examiner's action must be complete as to all matters, and "[w]hen a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable." See 37 CFR § 1.104(c)(2). Accordingly, the rejection of claim 1 is improper because the Examiner has not demonstrated that Dosaka teaches all of the elements of claim 1, including "a generator receiving a control signal controlling operation modes of the memory device, the generator providing a refresh request at equal periodic intervals if the control signal is deactivated, providing no refresh request in response to a first state of the control signal if the control signal is activated, and providing a refresh request in response to a second state of the control signal if the control signal is activated." Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1 under 35 U.S.C. § 102(b), and the rejection of claims 2-9, which depend therefrom.

Independent claims 10, 16, and 21 were rejected for the same reasons as given for claim 1. Accordingly, for at least the same reasons discussed above, the Examiner has not demonstrated that Dosaka teaches all of the elements of claims 10, 16, and 21. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 10, 16, and 21 under 35 U.S.C. § 102(b), and the rejection of claims 11-15, 17-20, and 22-24, which depend therefrom.

**CONCLUSION**

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: March 2, 2006

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Reg. No. 31,744